

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**JOSE BATISTA,**

**Plaintiff**

**v.**

**CAPT. HARRIS, *et al.*,**

**Defendants**

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**CIVIL ACTION NO. 3:CV-17-1983**

**(Judge Caputo)**

**JOSE BATISTA,**

**Plaintiff**

**v.**

**CAPT. HARRIS, *et al.*,**

**Defendants**

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**CIVIL ACTION NO. 1:CV-17-2033**

**(Judge Caputo)**

**O R D E R**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

Jose Batista, a state inmate presently housed at the Smithfield State Correctional Institution (SCI-Smithfield)), in Huntingdon, Pennsylvania, has filed the above-captioned civil rights actions on or around the same time. The allegations of both Complaints stem from an April 30, 2016, planned use of force event at his former facility, SCI-Huntingdon. Mr. Batista was extracted from his Restricted Housing Unit cell that day. He claims corrections officials used excessive force during the cell extraction and that he incurred physical injuries. Following the cell

extraction he was placed in an observations cell for eleven (11) days during which he was denied adequate clothing, water and other basic necessities. The named defendants in both actions are similar. Clearly both cases involve common question of fact and law. Therefore, the Court will direct that the two cases be consolidated pursuant to Federal Rule of Civil Procedure 42(a) and the consolidated cases will proceed under Civil Action No. 3: CV-17-1983, the first docketed case.

And now, this **17th** day of **NOVEMBER, 2017**, it is **ORDERED** that:

1. The Clerk of Court is directed to consolidate *Batista v. Harris*, Civ. No. 1:CV-17-2033 and *Batista v. Harris*, 3:CV-17-1983 pursuant to Fed. R. Civ. P. 42(a).
2. The Clerk of Court is directed to **CLOSE** *Batista v. Harris*, 1:CV-17-2033.
3. Mr. Batista's motion for leave to proceed *in forma pauperis* (ECF No. 10) in *Batista v. Harris*, 3:CV-17-1983 is **GRANTED**.
4. The Clerk of Court is directed to issue the Administrative Order to the Superintendent of SCI-Smithfield to begin deducting money from the inmate's prison account in the manner described in the Administrative Order.

/s/ A. Richard Caputo  
**A. RICHARD CAPUTO**  
**United States District Judge**